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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY. 'S DOCKET: OGATA=4

In re Application of: ) Confirmation No.: 9907  
OGATA et al )  
I.A. Filing Date: 08/20/1999 ) Examiner: Alana M. Harris  
371(c) Date: February 21, 2001 )  
U.S. Appln. No.: 09/763,370 ) August 16, 2006  
For: METHOD OF DIAGNOSING BONE ) 571-273-8300  
METASTASIS... )  
                                  ) **VIA TELEFACSIMILE**

## COMMUNICATION

Customer Service Window, Mail Stop Amendment  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, 401 Dulany Street  
Alexandria, Virginia 22314

Sir:

This will confirm a telephone conference with Larry R. Helms, Ph.D., on the afternoon of August 16, 2006.

Applicants filed an RCE on May 17, 2006, which included a petition for three months' suspension, and the petition fee. The reason for the petition was for applicants to file an amendment prior to continued examination (a "Preliminary Amendment"). Accordingly, no Office Action should have been issued prior to the expiration of the three-months' suspension period.

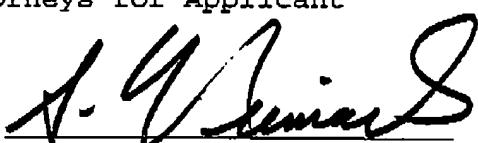
Appln. No. 09/763,370  
Communication dated August 16, 2006

Accordingly, undersigned (on behalf of applicants) requested that the Office Action mailed August 8, 2006, be vacated, and Dr. Helms confirmed that this would be done. Applicants' "Preliminary Amendment" will be filed tomorrow, August 17, 2006, within the three-months' suspension period.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

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In re Appln. No. 09/763, 370

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Name: JOSEPHINE KOSTBAR

Josephine kostbar  
Signature

Date

8/16/06